

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

AG ASBESTOS, INC.,

Defendant

and

FLEET SMALL BUSINESS SERVICES,

Trustee

C.A. No. 04-12639RWZ

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST AG ASBESTOS, INC.

Now come the plaintiffs, Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al (hereinafter, the "Funds"), and request the Clerk, pursuant to Rule 55(b)(1), Fed.R.Civ.P., to enter default judgment in favor of the plaintiffs and against defendant AG Asbestos, Inc. (hereinafter "AG"), holding AG liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, reasonable attorneys' fees, and costs as follows:

A.	Principal owed to the Funds through October, 2004	\$143,596.95
B.	Interest on late paid contributions	\$300.87
C.	Prejudgment interest as of January 31, 2005, on these unpaid contributions as mandated by 29 U.S.C. §1132(g)(2)(B)	\$10,764.80
D.	Liquidated damages as mandated by 29 U.S.C. §1132(g)(2)(C)	\$28,719.39
E.	Attorneys' Fees as mandated by §1132(g)(2)(D)	\$1,880.00
F.	Costs	<u>\$502.49</u>
TOTAL		\$185,764.50

As grounds therefore, plaintiffs state that default has been entered against defendant for failure to answer or otherwise defend as to the Complaint of the plaintiffs. Plaintiffs' claim is for a sum certain. Finally, defendant is neither an infant nor an incompetent person.

In the alternative, plaintiffs move the Court to enter default judgment against defendant AG pursuant to Rule 55(b)(2) in the amount of \$185,764.50, which includes unpaid contributions, interest, statutory liquidated damages, attorneys' fees and costs.

WHEREFORE, plaintiffs respectfully request that default judgment be entered against AG Asbestos, Inc.

Respectfully submitted,

PAUL J. MCNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

/s/ Anne R. Sills

Anne R. Sills, Esquire

BBO #546576

Segal, Roitman & Coleman

11 Beacon Street

Suite #500

Boston, MA 02108

(617) 742-0208

Dated: May 20, 2005